

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

Amendment and Reply dated November 28, 2006

In Response to Office Action of October 12, 2006

REMARKS

Claims 7 and 9-11 were pending and examined. In the current Office Action, Claims 7 and 9-11 were rejected under 35 U.S.C. §103(a), no claims were objected to and no claims were allowed. The rejection of Claims 7 and 9-11 has been made final.

By this Amendment and Reply, Claim 7 is proposed to be amended, no claims are proposed to be canceled or added. Accordingly, Claims 7 and 9-11 are presented for further examination. Entry of the above-described amendment and favorable reconsideration of this application in light of the following discussion is requested.

Proposed Amendments to Claims:

As noted above, it is proposed to amend Claim 7. Support for the proposed claim amendments may be found in the original disclosure and at least at paragraph [0015] of the Specification as published. Thus, no new matter is presented.

Prior Art Rejections:

The Examiner rejects Claims 7 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over European Patent Document No. EP 1 227 448 (EP'448) in view of Canals et al. (U.S. Patent No. 4,302,907); Claim 9 is rejected as allegedly being unpatentable over EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Craven et al. (U.S. Patent No. 5,143,430); and Claim 11 is rejected as allegedly being unpatentable over EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Fumanelli (U.S. Patent No. 5,787,819). The Examiner makes these rejections final. These rejections are respectfully disagreed with, and are traversed below.

Applicant submits that the arguments and remarks made previously are repeated and incorporated by reference herein and, in particular, the descriptions of EP'448, Canals et al., Craven et al. and Fumanelli.

In Section 5 of the Office Action the Examiner responds to Applicant's arguments submitted 26 September 2006 directed to then pending Claims 7 and 9-11 and states that the arguments were considered but found non-persuasive. Specifically, the Examiner states that "[c]ontrary to Applicant's arguments, Canals et al. does teach opening either the outer door 1

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

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In Response to Office Action of October 12, 2006

(Figure 2) or both doors 1,2 (Figure 3) using the same outer lock assembly 7 as shown in Figures 2 and 3. Accordingly, Applicant's arguments are not persuasive and Claim 7, 9-11 stand rejected."

Applicant respectfully disagrees with this characterization of Canals et al. and notes that the Examiner may have initially confused the inner 1 and outer 2 doors of Canals et al. when applying the reference to the present invention. It is respectfully submitted that the location of the locking mechanism and method of activation, e.g., lock mounted on and operated from the inner door of Canals et al. (to selectively open one or both doors) versus mounted on and operated from the outer safe door of the present invention, are important distinctions between the cited reference and the present invention.

In Section 2 of the Office Action the Examiner appears to conclude that EP '448 discloses a safe comprising substantially all of the limitations as recited in Claim 7. The Examiner further states that "EP '448 fails to teach the use of a single lock mechanism for both the inner and outer doors." The Examiner turns to Canals et al. to cure this deficiency.

As previously presented Canals et al. disclose a personal security door arrangement including an inner door 1 and an outer door 2, where both doors are opened from the outside by a single key (see, e.g., column 5, lines 50-55), while either one or both doors may be opened from the inside (see column 2, lines 15-35). This arrangement is illustrated in Figures 2 and 3 of Canals et al. (repeated below for the convenience of the Examiner).

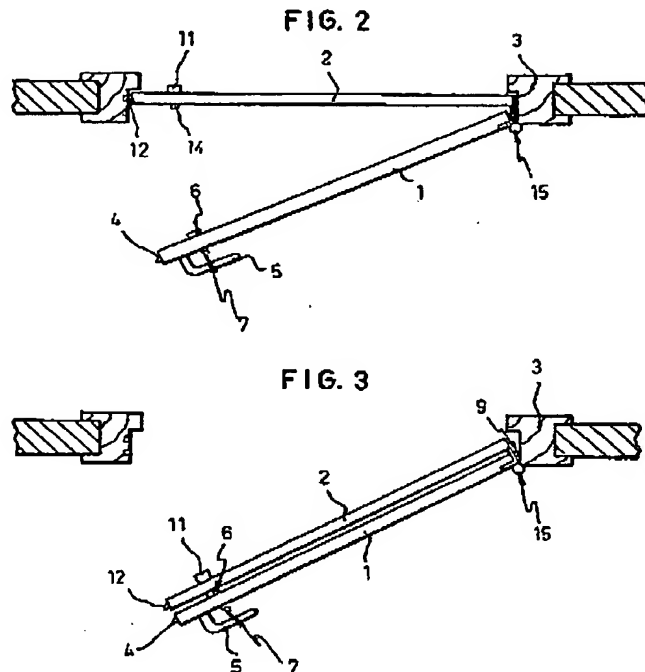
Ser. No.: 10/526,423

Art Unit: 3676

Amendment and Reply dated November 28, 2006

In Response to Office Action of October 12, 2006

Atty. Docket No.: 6400-0042WOUS

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As illustrated in Canals et al. and contrary to the teachings of the present invention, Canals et al.'s locking mechanism 7 is mounted to the inner door 1 for manipulation such that only the combined door (e.g., both inner door 1 and outer door 2) may be opened from the outside, while one or both of the doors may be selectively opened from the inside of a structure, e.g., a home. For example, in the Field of Invention (Col. 1, lines 5-15), Canals et al. state:

"The present invention relates to a personal security door arrangement, and more particularly to a door arrangement comprising the juxtaposition of two doors, which may be coupled together at will, wherein the opening of the inner door does not open the outer door, it being necessary to actuate a coupling device from the inside. This will be done after the person requesting entry has been fully observed, so that the power to admit remains in the hands of the person on the inside, whereas the person on the outside may not fulfil his intentions either by his own means or by intimidation."

Therefore, it is respectfully submitted that it is inappropriate to equate the "locking mechanism 7" of Canals et al. with the "safe lock" as taught and recited in Claim 7 as filed

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

Amendment and Reply dated November 28, 2006

In Response to Office Action of October 12, 2006

and as now written. Moreover, it is not seen how the Examiner proposes combination of the safe of EP '448 and the personal security door arrangement of Canals et al. at least since, as discussed above, Canals et al. disclose a locking mechanism 7 activated from inside a structure.

Firstly, and contrary to the Examiner's line of reason, one skilled in the art would not look from the safe of EP '448 to the security door of Canals et al. to reach the present invention. However, with respect to the Examiner's proposed combination of EP '448 and Canals et al., assuming, arguendo, that the proposed combination is proper, a point that is not admitted, the proposed combination is merely seen to describe a safe having an outer door 18' overlapping an inner door 20', the inner door 20' having a cutout portion (Fig 2 of EP '448), wherein the inner door 20' includes a locking mechanism 7 that is operable such that both the outer door 18' and inner door 20' are opened from the outside by a single key (Canals et al. at Col. 5, lines 50-55), while either one or both doors may be opened from the inside of the safe (Canals et al. at Col. 2, lines 15-35). See also Figures 2 and 3 of Canals et al.

Therefore, the proposed combination of EP '448 and Canals et al. does not expressly or implicitly describe or suggest all of the subject matter of independent Claim 7, as now written. For example, it is respectfully submitted the proposed combination does not suggest or make obvious the subject matter of independent Claim 7 as now written, which recites in pertinent part:

"7. A safe comprising:

an inner safe door, an outer safe door, ..., and
wherein the inner safe door and the outer safe door each comprise respective dedicated locking mechanisms, and wherein the safe further comprises a safe lock mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism on some occasions and actuating only the outer door locking mechanism on other occasions."

In that independent Claim 7 is deemed allowable, Claim 10 that depends from and further limits this independent claim, is also deemed allowable.

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

Amendment and Reply dated November 28, 2006

In Response to Office Action of October 12, 2006

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 7 and 10, as now written, under 35 U.S.C. §103(a) as being unpatentable over the proposed combination of EP '448 and Canals et al.

In Section 3 of the Office Action Claim 9 is rejected as allegedly being unpatentable over EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Craven et al.

The deficiencies of the proposed combination of EP '448 and Canals et al. as applied to Claim 7 is outlined above. As previously argued Craven et al. merely disclose a vending machine having two doors (18, 22) that can be opened together. The outer door 18 comprises the face of the machine, while the inner door carries the lighting, control panel elements, etc., that are needed for the face of the machine and which are stored between the doors. The inner door also serves to close the refrigerated compartment of the machine. The doors are held together by a spring latch 12 so that when the outer door is opened, the inner door opens with it to protect the circuitry etc. between them, and to prevent the inner door from banging against the frame of the machine while the doors are open (see Craven et al. at Col. 3, lines 8-28). However, once opened the two doors may easily be separated should access to the control panel elements etc. be desired.

Firstly, Craven et al. are not seen to disclose or suggest subject matter that may cure the above note deficiency in the application of EP '448 and Canals et al. to independent Claim 7 at least since no where is Craven et al. seen to disclose or suggest, inter alia, a safe lock mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism on some occasions and actuating only the outer door locking mechanism on other occasions, as is recited in independent Claim 7 as now written. Moreover, and contrary to the Examiner statement, it is not seen how Craven et al. disclose a "hierarchical entrance lock system" as is suggested by the Examiner with reference to Claim 9. For example, nowhere is Craven et al. seen to disclose or suggest that access to the refrigerated compartment and/or the lighting/control panel elements be limited to selected persons. Once the two doors are opened, anyone can manipulated the spring latch 12 to access the lighting/control elements.

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

Amendment and Reply dated November 28, 2006

In Response to Office Action of October 12, 2006

In view of the above, it is respectfully submitted that Claim 9 is patentable over the proposed combination of EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Craven et al. at least since Craven et al. do not teach the selective grant of access to different parts of a safe to different key holders. Furthermore, Claim 9 depends from and further limits independent Claim 7, which is also deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claim 9 as allegedly being unpatentable over EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Craven et al.

In Section 4 of the Office Action Claim 11 is rejected as allegedly being unpatentable over EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Fumanelli.

The deficiencies of the proposed combination of EP '448 and Canals et al. as applied to Claim 7 is outlined above. Fumanelli merely discloses an electronic door lock control means. The substitution of an electronic door lock of Fumanelli for the lock of EP'448 is not seen to disclose or suggest subject matter that may cure the above note deficiency in the application of EP '448 and Canals et al. to independent Claim 7 at least since nowhere is Fumanelli seen to disclose or suggest, inter alia, a safe lock mounted to the outer safe door and capable of actuating from the outside of the safe both the outer safe door locking mechanism and the inner safe door locking mechanism on some occasions and actuating only the outer door locking mechanism on other occasions, as is recited in independent Claim 7 as now written.

In view of the above, it is respectfully submitted that Claim 11 is patentable over the proposed combination of EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Fumanelli at least since Claim 11 depends from and further limits independent Claim 7, which is also deemed allowable.

Ser. No.: 10/526,423

Atty. Docket No.: 6400-0042WOUS

Art Unit: 3676

Amendment and Reply dated November 28, 2006

In Response to Office Action of October 12, 2006

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claim 11 as allegedly being unpatentable over EP'448 in view of Canals et al. as applied to Claim 7, and further in view of Fumanelli.

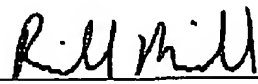
Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish the Applicant's invention from those of the prior art and render the Applicant's invention non-obvious, the Applicant respectfully requests that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned at the numbers provided below.

No fee is believed due with the filing of this Amendment and Reply. However, if a fee is due, Applicant authorizes the payment of any additional charges that may be necessary to maintain the pendency of the present application to the undersigned attorney's Deposit Account No. 503342.

Respectfully submitted,

Date: November 28, 2006

By 
Richard R. Michaud
Registration No. 40,088
Attorney for Applicant

Michaud-Duffy Group LLP
CenterPoint
306 Industrial Park Road
Suite 206
Middletown, CT 06457-1532

Tel. No.: (860) 632-7200
Fax No.: (860) 632-8269